REGISTER OF
CLASSIFICATION DECISIONS

Date of entry in Register:	29 January 1999
Name of applicant/court:	Comptroller of Customs
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Untitled Photograph Number Nine
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Photograph
Country of Origin:	Not Stated
Language:	Not Applicable

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Components of film originally examined: Not Applicable.

Feature: Running time:

Trailers: Running time:

Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

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Classification Decision:

Objectionable except if the availability of the publication is restricted to Mr P Renk.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable.

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SUMMARY OF THE REASONS FOR DECISION:

Untitled Photograph Number Nine is classified as:
Objectionable except if the availability of the publication is restricted to Mr P Renk.

Untitled Photograph Number Nine is a wide shot of Mr Renk and two naked female children both of whom are pre-pubertal. One appears to be aged around eight to ten years and the other around nine to twelve years.

They are seated on a bed in a caravan. Mr Renk, who is smiling and appears relaxed, has one arm around each girl. His flaccid penis is visible but not particularly prominent in the photograph. The genitals of the girls are not visible. Mr Renk's hand rests on the wrist of the younger girl, who is smiling, appears relaxed, and has adopted a pose with her hip thrust towards and touching his torso. Mr Renk's other hand is curved around the buttock of the older girl, whose body is in contact with his torso. Her mouth is open and her eyes are wide in an expression which appears to combine surprise and amusement. She is holding her legs together with her hands.

While the photograph deals with child nudity, on its own it provides a limited context to determine whether or not the nudity of children is being exploited. In restricting the photograph to the owner, weighting is given to the owner's submission that he is a lifelong nudist/naturist and that this and the thirteen other photographs submitted collectively constitute personal mementos of a party. Without the owner's personal context the photographs could be given a sexual reading, based upon the nudity of the children and young persons, the depiction of their genitals, and the fact that many of the photographs depict a naked man in physical contact with them.

The rights and freedoms outlined in s14 of the New Zealand Bill of Rights Act 1990 have been balanced against criteria contained in the Films, Videos, and Publications Classification Act 1993. It is a reasonable limit of s14 to restrict the publication to the owner, given that without his personal context the photograph is open to being given a sexual reading, making its widespread availability likely to be injurious to the public good.

OFLC Ref: 9701443